

## **REMARKS**

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application based on the following remarks.

Claims 1-21 are currently pending in the application.

### **Rejection of Claims Under 35 U.S.C. §103**

Claims 1-9, 13-18, and 20-21 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cole et al., U.S. Patent Application Publication No. 2003/0078810 A1 (hereinafter "Cole") in view of Kuno, U.S. Patent No. 5,802,494. Claims 10-12 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Cole and Kuno, further in view of Hehenberger et al., U.S. Patent Application Publication No. 2003/0083902 A1 (hereinafter "Hehenberger"). These rejections should be withdrawn based on the comments and remarks herein.

Cole discloses a location management information system for organizing locations into a hierarchy, representing their physical structure (paragraphs [0016], [0020]). Cole's system enables the tracking of patients and identifying suitable patient locations (paragraph [0005]). Hence, Cole teaches monitoring patients and their locations; Cole does not teach or suggest monitoring equipment. The Examiner contends that Cole's teaching of a telemetry indicator suggests remotely operating equipment using portable terminals. Applicants respectfully disagree. According to the American Heritage Science Dictionary, telemetry is defined as "The measurement of data at a remote source and transmission of the data (typically by radio) to a monitoring station." (see attached printout from American Heritage Science Dictionary.) Such meaning is consistent with that of Cole (paragraph [0084]). That is, telemetry is used for measuring data from a device such as a satellite, not sending data to a device as is necessary to

remotely operate equipment. Hence, Cole does not disclose or suggest means for remotely operating equipment, or a step of remotely operating equipment on a portable terminal section, as recited in independent claims 1, 14 and 21.

Neither Kuno nor Hehenberger overcome this deficiency, and the Examiner does not state otherwise. Kuno discloses a monitoring system for observing a patient only when necessary and proper, that is, when a patient agrees to be monitored (column 1, lines 49-53). Hehenberger discloses an automated system for management of information and distribution of materials associated with sterilization procedures (paragraph [0006]). Neither Kuno nor Hehenberger disclose or suggest a portable terminal, or a portable terminal that can remotely operate equipment. Accordingly, the hypothetical combination of Cole and/or Kuno and/or Hehenberger does not disclose or suggest a portable terminal section for remotely operating equipment, or a step of remotely operating equipment on a portable terminal section, and does not disclose or suggest each feature of independent claims 1, 14 and 21.

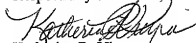
It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Cole and/or Kuno and/or Hehenberger does not disclose or suggest a portable terminal remotely operating equipment, and does not teach or suggest each and every feature of the present invention as recited in independent claims 1, 14 and 21. Thus *prima facie* obviousness has not been established, so that these claims patentably distinguish over the art of record in the application. Claims 2-13 depend from claim 1, and claims 15-20 depend from claim 14, so that these dependent claims patentably distinguish over the art of record for at least the reasons that their base claims patentably distinguish over the art of record in the application.

Thus, withdrawal of this rejection is earnestly requested.

### Conclusion

In light of the foregoing, Applicants respectfully submit that all pending claims recite patentable subject matter, and kindly solicit an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,

  
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Encl.